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EXTRAORDINARY

PART II—Section 3—Sub-section (i)

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MINISTRY OF HOME AFFAIRS

ORDER

New Delhi, the 10th February 1960

G.S.R.—172.—In exercise of the powers conferred by sub-section (1) and (2) of section 4 of the Inter-State Corporations Act, 1957 (38 of 1957), the Central Government, after consulting the Governments of the States of Bombay and Andhra Pradesh, approves with certain modifications the scheme forwarded by the Government of Bombay relating to the reconstitution and reorganisation of the Degloor Market Committee, a corporation constituted under the Hyderabad Agricultural Markets Act (No. II of 1939 Fasli) and now functioning in parts of the States of Bombay and Andhra Pradesh, and for the purpose of giving effect to the said scheme the Central Government hereby makes the following Order, namely:—

1. **Short title.**—(1) This Order may be called the Degloor Market Committee (Reconstitution and Reorganisation) Order, 1960.

(2) It shall come into force on the 15th day of February, 1960.

2. **Definitions.**—In this Order, unless the context otherwise requires,—

(a) "Act" means the Hyderabad Agricultural Markets Act (No. II of 1939 Fasli), as Amend upto 1956.

(b) "appointed day" means the date of the commencement of this Order,

(c) "former Degloor Market area" means the local area in the Nanded District of the former State of Hyderabad which immediately before the 1st November 1956 was comprised within the limits of the Degloor Market and which since that date falls partly in the State of Bombay and partly in the State of Andhra Pradesh;

(d) "Madnoor area" means the area which is comprised within the limits of the villages of Madnoor, Yergl, Shakrga, Mangarga and Sonala included in the former Degloor Market area and which stands transferred from the former State of Hyderabad to the State of Andhra Pradesh under Section 3 of the States Reorganisation Act, 1956;

(e) "existing Corporation" means the Degloor Market Committee constituted under the Act and functioning immediately before the appointed day, in respect of the former Degloor Market area;

(f) "new Corporation" means the market committee constituted under the Act as from the appointed day, in respect of the Madnoor area.

(2) All other Words and expressions used, but not defined in this scheme, shall have the meanings respectively assigned to them in the Act.

3. Reorganisation of existing Corporation and constitution of a new Corporation.—As from the appointed day, the existing corporation shall cease to function in respect of Madnoor area and shall be deemed to have been constituted in respect of the former Degloor Market area excluding the Madnoor area; and there shall be constituted a new Corporation in respect of the Madnoor area.

4. Division of the existing Corporation's fund.—The balance standing to the credit of the fund of the existing Corporation immediately before the appointed day shall be apportioned between the existing Corporation and the new Corporation in such proportion as may be agreed upon by the State Governments of Bombay and Andhra Pradesh or failing such agreement, in such proportion as may be decided by the Central Government.

5. Recovery of outstanding fees and dues.—The right to recover fees, contributions, loans and other dues payable under the Act before the appointed day in respect of any person, shall, if such person actually and voluntarily resides, or carries on business, or personally works for gain within the Madnoor area, belong to the new Corporation and in any other case to the existing Corporation.

6. Contracts.—Where before the appointed day, the existing Corporation has made any contract, the contract shall be deemed to have been made—

(a) if the purposes of the contract are, as from the appointed day, exclusively relatable to the Madnoor area, by the new Corporation;

(b) in any other case, by the existing Corporation; and all rights and liabilities which have accrued, or may accrue under any such contract shall, to the extent to which they would have been rights or liabilities of the existing Corporation, be rights or liabilities of the new Corporation or the existing Corporation, as the case may be.

7. Residuary provisions.—The benefit or burden of any assets or liabilities of the existing Corporation not dealt with in the foregoing provisions shall—

(a) if the assets are situate, or the liability arises, in the Madnoor area pass to the new Corporation;

(b) in any other case, continue to be the benefit or burden of the existing Corporation.

Provided that the initial allocation of the benefit or burden under this paragraph shall be subject to such financial or other adjustment as may be agreed upon between the Corporations concerned or, in default of such agreement, as the Central Government may direct.

8. Legal proceedings.—Where immediately before the appointed day the existing Corporation is a party to any legal proceedings with respect to any property, rights or liabilities transferred to the new Corporation under this Scheme the new Corporation shall be deemed to be substituted for the existing Corporation as a party to the proceedings, or added as a party thereto, as the case may be, and the proceedings continued accordingly.

9. Provisions relating to employees of existing Corporation.—All officers and servants of the existing Corporation shall continue to be officers and servants of the existing Corporation as reorganised.

10. Adaptations and modifications in the Act.—As from the appointed day, the Act shall, until altered, repealed or amended by the competent Legislature of the State have effect subject to the provisions of this scheme and the adaptations and modifications directed by the Schedule hereto annexed.

SCHEDULE

(See paragraph 10)

THE HYDERABAD AGRICULTURAL MARKETS ACT, (NO. 2 OF 1939 FASLI)
AS AMENDED UPTO, 1958.

1. After section 1, the following new section shall be inserted, namely:—

1A. Construction of certain reference in their application to parts of Bombay and Andhra Pradesh States to which the Act extends.—“In the

application of the Act to that part of the State of Bombay or Andhra Pradesh to which it extends any reference therein—

- (1) to the Government of Hyderabad shall be construed as a reference respectively to the Government of Bombay or Andhra Pradesh, as the case may be;
- (2) to the government shall be construed as a reference respectively to the Government of Bombay or Andhra Pradesh, as the case may be”.

2. In section 2 after clause (ii), the following clauses shall be inserted, namely:—

- (iia) “former Degloor Market area” means the local area in the Nanded District of the former State of Hyderabad which immediately before the 1st November, 1956 was comprised within the limits of the Degloor Market and which since that date falls partly in the State of Bombay and partly in the State of Andhra Pradesh;
- (iib) “Madnoor area” means the area which is comprised within the limits of the villages of Madnoor, Yergl, Shakrga, Mangarga and Sonala included in the former Degloor Market area and which stands transferred from the former State of Hyderabad to the State of Andhra Pradesh under section 3 of the States Re-organisation Act, 1956.

3. After section 4, the following new section shall be inserted namely:—

Transitory and special provision for Degloor Market Committee as re-constituted and new Madnoor Market Committee.—“4A. Notwithstanding anything contained in this Act—

- (1) until a new market committee is duly constituted under section 4 of this Act for such of the areas of the former Degloor market area as are comprised in the State of Bombay, the existing market committee functioning and operating on the date on which an order under section 4 of the Inter-State Corporations Act, 1957 (38 of 1957) is made, shall be deemed to be the Market Committee for the purposes of this Act for those areas; and on the constitution of the new Market Committee by the Government of Bombay for the aforesaid areas, such existing committee shall be deemed to have been dissolved and the members to have vacated their office;
- (2) until a market committee is duly constituted under section 4 of this Act for the Madnoor area the Government of Andhra Pradesh shall appoint a Market Committee for the purposes of this Act for the Madnoor area consisting of such members as it may deem fit to nominate”.

[No. 8/8/59-SR(R)-11.]

P. N. KAUL, Under Secy.

